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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,801	07/10/2001	David Hugh Muir	29757/P-396	7920

4743 7590 01/27/2003

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EXAMINER

ENATSKY, AARON L

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,801

Applicant(s)

MUIR, DAVID HUGH

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Examiner acknowledges receipt of amendment on 11/18/02. The arguments set forth in the response are addressed herein below. Claims 1-25 are canceled and claims 26-48 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson 5,951,397 in view of Rysavy et al. 4,929,935 (Hereafter, Rysavy) and further in view of Webb et al. 5,216,504 (Hereafter, Webb). Dickinson teaches of a variety of electronic video games that maybe played in conjunction with a touch-panel display screen (1:10-35) that additionally includes a housing and value input device (Fig. 1). Dickinson does not teach aspects of display alignment. Rysavy teaches a manual process for aligning a touch screen display for solving the well-known issue of display degradation and drift (Abstract and 1:13-35). As Dickinson teaches the use of a touch screen displays, the need is obviated through Rysavy's disclosure to have at minimum, periodic display screen adjustments due to frequent misalignment. Therefore it would have been obvious to one of ordinary skill in the art at the time to modify the touch screen game system by Dickinson to include the touch screen alignment system of Rysavy to provide a consistent gaming interface experience for game players. Dickinson in view of Rysavy, while

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providing for display alignment, do not teach the features of automatic display alignment using a display pattern and an image capture device to process comparisons between actual calibration and known correct calibration. Webb teaches an automatic electronic display testing and alignment system. The aforementioned system displays an alignment object with electronically distinguishable regions defined by video patterns, with multiple different detectable characteristics. The regions and the region characteristics are electronically distinguished through the use a single camera (2:13-37 and Fig. 1) and the characteristics include color (3:6). Webb also discloses having dynamic search rules to adjust display alignment (Fig. 11) following a dynamically determined path shown as following subsequent pixels during search rule implementation (Fig. 3 and 4) and a plurality of stored values indicating coordinates of a predetermined alignment object which is used for comparison of the captured alignment object (14:46-48) to determine whether correct alignment tolerances have been reached. As Dickinson in view of Rysavy teach manual adjustment of a touch screen gaming device one of ordinary skill would generally be motivated to automate a manual process. Automation is further obvious through Webb's motivation to create a fast, flexible, and cost effective process over previous manual operations. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sensor and calibration techniques taught by Webb to create a cost effective touch screen calibration gaming machine taught by Dickinson in view of Rysavy.

In regard to rules used to calibrate the touch screen gaming machine, Webb teaches a dynamic search rule as discussed above, where it is obvious that the conditional tree structured,

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spiral reduction, and iterative adaptive rules are obvious equivalents that are interchangeable with the dynamic rule without teaching away from the above reference.

Response to Arguments

1. Applicant's arguments with respect to claims 26-48 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kalendra et al. '559 teaches a touch screen device with automatic calibration.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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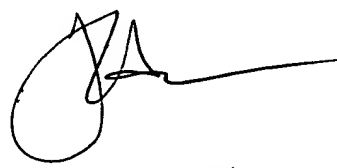
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

January 16, 2003



JESSICA HARRISON
PRIMARY EXAMINER